REMARKS

Applicants have carefully reviewed the Office Action mailed October 31, 2007 ("Office Action"). Claims 1-19 are pending in the application. Claims 1-19 are rejected. There are no claim amendments. No new matter is added.

A. Claims 1, 2, 6-8, 11 & 16 Rejected under 35 U.S.C. 103(a)

Claims 1, 2, 6-8, 11, and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Leadtrack.com ("Leadtrack") in view of U.S. Patent 6,374,241 to Lambert *et al.* ("Lambert"). This rejection is traversed.

The Office Action fails to establish a *prima facie* case of obviousness. As recited in Section 2142 of the MPEP, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck,* 947 F.2d 488, 2 USPQ2d 1438 (Fed. Cir. 1991).

Neither Leadtrack nor Lambert, neither singularly nor in combination, teach or suggest "A method for validating a new sales lead from an agent employed in a sales lead processing entity, the method comprising: inputting new sales lead information representing a new sales lead from an agent using an agent computer interface; transmitting the new sales lead information to a lead processing portion, the lead processing portion having a leads memory portion, the leads memory portion storing existing sales lead information relating to existing sales leads; comparing the new sales lead information with the existing sales lead information; determining if there is a match between the new sales lead information and any of the existing sales lead information; tagging the new sales lead information as a duplicate lead based on a determination that there is a match between the new sales lead information and any of the existing sales lead information" as recited in claim 1 of the present application. (Emphasis added).

As admitted in the Office Action, "Leadtrack does not disclose *tagging the new sales lead information as a duplicate lead based on a determination that there is a match between the*

new sales lead information and any of the existing sales lead information." *Office Action,* p. 3. The Office Action asserts that Lambert "discloses a method for detecting duplicates in a category file in which 'categories are tagged as duplicates' (col. 47, lines 27-28." *Id.* Lambert recites:

> Referring now to FIG. 58, shown is a flowchart of an embodiment of method steps for detecting duplicates in the category file. Generally, these steps are more detailed processing steps of step 1520 of FIG. 57. At step 1500, a first category name in the category file of the unfiltered database is tokenized. In other words, each word included in the heading or category name is associated with a token. Similarly, in step 1504, the next record of a category is examined and also tokenized. At step 1506, a comparison of the two tokenized names is performed to derive a score in accordance with the number of matching name components. This may also be normalized, as described in accordance with the foreign source update processing techniques. At step 1508, a determination is made as to whether or not the score is greater than a predetermined threshold. In this instance, the threshold is 75%. If the score is greater than the threshold, control proceeds to step 1512 where the categories are tagged as duplicates propagating any previous matching identifier tag. In other words, the transitive matching technique is used in marking matching categories. For example, if ID1=ID2. Then, it is determined that ID2=ID5, ID5 is also marked as having ID1 as a matching identifier. Similarly, subsequent matches to ID5 further propagate the value ED1. Subsequently, control proceeds to steps 1510 for advancement to the next record. If it is determined at step 1508 that the score is not greater than the threshold, no match is found and control proceeds to step 1510 where the next category is advanced to. At step 1514, a determination is made as to whether all the categories have been processed in the category file. If they have, control proceeds to step 1516 where processing stops. Otherwise, control proceeds to step 1504 for further comparisons and determinations of equivalent categories.

Lambert, Col. 47, ll. 12-44. Figure 58 is a flowchart for detecting duplicates in the **category file**. At step 1500, a first **category name** in the category file is tokenized. At step 1504, the next record of a category is tokenized. At step 1506, a comparison of the **two tokenized names** is performed and a score is generated. The score provides an indication of the number of matching name components. At step 1508, the generated score is compared to a threshold. If the score is greater than the threshold, then the categories are tagged as duplicates. Thus, the disclosed method is comparing category names and more specifically, Lambert is tokenizing the category names and comparing the tokenized names.

In contrast, claim 1 of the present application compares "new sales lead information with the existing sales lead information; determining if there is a match between the new sales lead information and any of the existing sales lead information; tagging the new sales lead information as a duplicate lead based on a determination that there is a match between the new

sales lead information and any of the existing sales lead information." Claim 1 is comparing **new sales lead information** with **existing sales lead information** and if there is a match between the sales lead information the new sales lead information is tagged as duplicative. Comparing sales lead information is not the same as comparing "tokenized names" - which are category names which are tokenized and then compared. As a result, Lambert does not teach or suggest "tagging the new sales lead information as a duplicate lead based on a determination that there is a match between the new sales lead information and any of the existing sales lead information"

Moreover, the Office Action fails to state a proper motivation to combine Leadtrack and Lambert. The asserted motivation is that "Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included tagging, as disclosed by Lambert in the system disclosed by Leadtrack, for the motivation of providing an alert that duplicate data is contained in the file." *Office Action,* p. 3. As pointed out on page 3 of the Office Action, Leadtrack recites "On-line duplicate checking requires one to append new information to previously entered records rather than creating a duplicate." *Leadtrack,* p. 2. Since Leadtrack does not allow duplicate entries and requires the new information to be appended to the previous record, Leadtrack has no reason to tag the new sales lead information as a duplicative lead since the new lead is not allowed. Thus, there is no motivation to modify Leadtrack as asserted in the Office Action.

For at least these reasons, the Office Action fails to meet the *prima facie* burden of obviousness with respect to claim 1 of the present application. Since claim 16 recites "the lead processing portion comparing the new sales lead information with the existing sales lead information, and determining if there is a match between the new sales lead information and any of the existing sales lead information, the lead processing portion tagging the new sales lead information as a duplicate lead based on a determination that there is a match between the new sales lead information and any of the existing sales lead information," claim 16 is patentable over the applied art for the same reasons recited above with respect to claim 1.

Regarding claim 2, the applied art does not teach or suggest "forwarding the new sales lead information, which is tagged as a duplicate lead for further processing, the further processing including further comparing the new sales lead information with the existing sales lead information." The Office Action asserts that column 47, lines 42-43 of Lambert "discloses

'further comparisons and determinations of equivalent categories.'" *Office Action,* p. 4. Lambert discloses the comparison of categories, not sales lead information. Thus, the applied art does not teach or suggest each and every element of claim 2.

Regarding claims 6 and 7, the applied art does not teach or suggest "determining if there is a match between the new sales lead information and any of the existing sales lead information is performed in parallel to the sales agent working the new sales lead" nor does the applied art teach or suggest "determining if there is a match between the new sales lead information and any of the existing sales lead information is performed prior to the sales agent working the new sales lead." The Office Action fails to assert any reference for either claim, nor does the Office Action assert Official Notice. Rather the Office Action simply asserts knowledge onto one of ordinary skill in the at the time of the invention. In doing so, the Office Action creates an analogy arguing potential scenarios. The Office Action is simply attributing knowledge to one of ordinary skill in the art. It is never appropriate to rely solely on "common knowledge" in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based. *Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 ("[T]he Board cannot simply reach conclusions based on its own understanding or experience-or on its assessment of what would be basic knowledge or common sense. Rather, the Board must point to some concrete evidence in the record in support of these findings."); MPEP 2144.03 (emphasis added).

The Office Action does not provide the proper motivation to modify Leadtrack or Lambert to include the knowledge of one of ordinary skill in the art. Significantly, it has been judicially held that generalizations do not establish the requisite motivation to modify a specific reference in a specific manner to arrive at a specifically claimed invention. *See In re Deuel*, 51 F.3d 1552, 34 USPQ2d 1410 (Fed. Cir. 1995). Such conclusory statements are inappropriate without the Examiner providing specific factual findings predicated on sound technical and scientific reasoning to support the Examiner's conclusory statements. The Examiner is relying on conclusory statements and has not provided proper motivation to modify Leadtrack or Lambert, thus the Examiner has not met established a *prima facie* case of obviousness. Thus, if the Examiner is going to maintain the rejection of claims 6 and 7, the undersigned representative requests that the Office Action state proper reasoning in making the rejection of these claims.

For at least these reasons, independent claims 1 and 16, as well as dependent claims 2-15, 17, and 18, respectively, are patentable over the applied art. Withdrawal of the rejection of claims 1, 2, 6-8, 11, and 16 is requested.

B. Rejection of Claims 3 & 12-14 under 35 U.S.C. 103(a)

Claims 3 and 12-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Leadtrack in view of Lambert in view of Official Notice. Since claims 3 and 12-14 are dependent on allowable independent claim 1, and since the Office Action is not asserting Official Notice as curing the deficiencies of Leadtrack and Lambert with respect to claim 1, dependent claims 3 and 12-14 are allowable as well. Therefore, the undersigned representative will not address the arguments with respect to these claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claims 3 and 12-14 is requested.

C. Rejection of Claims 4, 5, & 19 under 35 U.S.C. 103(a)

Claims 4, 5, and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Leadtrack in view of Lambert in view of U.S. Publication 2003/0229504 to Hollister ("Hollister"). Since claims 4 and 5 are dependent on allowable independent claim 1, respectively, and since Hollister does not cure the deficiencies of Leadtrack and Lambert with respect to claim 1, dependent claims 4 and 5 are allowable as well. Since claim 19 contains similar limitations as argued above with respect to claim 1, claim 19 is allowable for the same reasons. Therefore, the undersigned representative will not address the arguments with respect to these claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claims 4, 5, and 19 is requested.

D. Provisional Double Patenting Rejection

Claims 1-19 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of Application No. 10/602,593, claims 1-20 of Application No. 10/602,594, claims 1-25 of Application No. 10/602,707 and claims 1-29 of Application No. 10/602,923,

The undersigned representative acknowledges this rejection and will submit a terminal disclaimer when the present claims are in condition for allowance, if deemed necessary at that time.

CONCLUSION

The foregoing is submitted as a full and complete Response to the Non-final Office Action mailed October 31, 2007, and early and favorable consideration of the claims is requested. If the Examiner believes any informalities remain in the application which may be corrected by Examiner's Amendment, or if there are any other issues which may be resolved by telephone interview, a telephone call to the undersigned attorney at (703)714-7448 is respectfully solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0206, and please credit any excess fees to such deposit account.

Respectfully submitted,

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